

Union Calendar No. 338

111TH CONGRESS
2^D SESSION

H. R. 5366

[Report No. 111-588]

To require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2010

Mr. WELCH introduced the following bill; which was referred to the Committee on Oversight and Government Reform

SEPTEMBER 14, 2010

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To require the proposal for debarment from contracting with the Federal Government of persons violating the Foreign Corrupt Practices Act of 1977.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Overseas Contractor
5 Reform Act”.

6 **SEC. 2. REQUIREMENT TO PROPOSE FOR DEBARMENT PER-**
7 **SONS VIOLATING THE FOREIGN CORRUPT**
8 **PRACTICES ACT.**

9 (a) REQUIREMENT TO PROPOSE FOR DEBARMENT.—
10 Unless waived by the head of a Federal agency under sub-
11 section (b), any person found to be in violation of the For-
12 eign Corrupt Practices Act of 1977 shall be proposed for
13 debarment from any contract or grant awarded by the
14 Federal Government within 30 days after a final judgment
15 of such violation.

16 (b) WAIVER.—The head of a Federal agency may
17 waive this section for a Federal contract or grant. Any
18 such waiver shall be reported to Congress by the head of
19 the agency concerned within 30 days from the date of the
20 waiver, along with an accompanying justification.

21 (c) FINAL JUDGMENT.—For purposes of this section,
22 a judgment becomes final when all appeals of the judg-
23 ment have been finally determined, or all time for filing
24 such appeals has expired.

25 (d) DEFINITIONS.—In this section:

1 (1) CONTRACT.—The term “contract” means a
2 binding agreement entered into by a Federal agency
3 for the purpose of obtaining property or services.

4 (2) PERSON.—The term “person” includes—

5 (A) an individual;

6 (B) a partnership; and

7 (C) a corporation.

8 (3) FOREIGN CORRUPT PRACTICES ACT OF
9 1977.—The term “Foreign Corrupt Practices Act of
10 1977” means—

11 (A) section 30A of the Securities Exchange
12 Act of 1934 (15 U.S.C. 78dd-1); and

13 (B) sections 104 and 104A of the Foreign
14 Corrupt Practices Act (15 U.S.C. 78dd-2).

15 **SEC. 3. GOVERNMENTAL POLICY.**

16 It is the policy of the United States Government that
17 no Government contracts or grants should be awarded to
18 individuals or companies who violate the Foreign Corrupt
19 Practices Act of 1977.

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